



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 17, 2014

Ms. Patricia Fleming
Assistant General Counsel
TDCJ - Office of the General Counsel
P.O. Box 4004
Huntsville, Texas 77342-4004

OR2014-04359

Dear Ms. Fleming:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 516820.

The Texas Department of Criminal Justice (the "department") received a request for information gathered by the department about a specified statement the requestor made to the department. You claim the submitted information is excepted from disclosure under section 552.134 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

Section 552.134 of the Government Code relates to information about inmates of the department. This exception provides in relevant part:

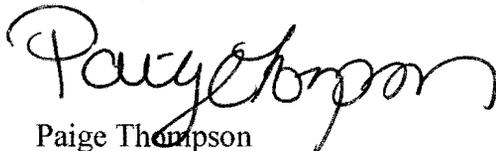
- (a) Except as provided by Subsection (b) or by Section 552.029 [of the Government Code], information obtained or maintained by the Texas Department of Criminal Justice is excepted from [required public disclosure] if it is information about an inmate who is confined in a facility operated by or under a contract with the department.

Gov't Code § 552.134(a). You assert the submitted information consists of records pertaining to an inmate confined in a facility operated by the department. However, the submitted information pertains to the conduct of department employees and, therefore, is not "about an inmate" for purposes of section 552.134. Thus, the department may not withhold the submitted information in its entirety under section 552.134. However, the submitted information includes inmate-identifying information. We find this information is subject to section 552.134. We also find the exceptions in section 552.029 are not applicable to this information. Therefore, the department must withhold the information we marked under section 552.134 of the Government Code. As you raise no other exceptions to disclosure, the department must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 516820

Enc. Submitted documents

c: Requestor
(w/o enclosures)